

CITY COUNCIL AGENDA

JUNE 26, 2007

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESI, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
(no earlier than 3:30 p.m.) [See RDA Agenda](#)
- **Invocation (District 6)**
Father Paolo Gobbo, Saint Christopher Church.
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ITEMS 9.1, 9.2 AND 9.3 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

THERE WILL BE A MEETING OF THE CITY OF SAN JOSE PARKING AUTHORITY FOLLOWING THE AFTERNOON COUNCIL SESSION.

- * ADJOURNMENT: This meeting will be adjourned in memory of:
 - Bernice Gourd, a very active and compassionate resident of the West Evergreen Strong Neighborhoods Initiative area who was relentless in advocating for safe neighborhoods for our youth. (Cortese)
 - The nine fallen firefighters in South Carolina who sacrificed their lives for the safety of others. (Mayor)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the month of July 2007 as National Recreation and Parks month. (Parks, Recreation and Neighborhood Services)
- 1.2 Presentation of a commendation to the Mt. Pleasant High School girls track team upon winning the State Track and Field Championship. (Campos)
* (Deferred from 6/19/07 – Item 1.1)
- 1.3 Presentation of a commendation to the 76th Grand Chapter of the Sigma Chi International Fraternity held June 28 through June 30, 2007. (Campos)
* (Rules Committee referral 6/20/07)
- 1.4 Presentation of a commendation to the San José Convention and Visitors Bureau and the Santa Clara Chamber of Commerce and Convention – Visitors Bureau for their cooperative efforts to produce an economic impact report which highlights the potential economic benefits of a 49ers stadium in Santa Clara County. (Cortese)
* (Rules Committee referral 6/20/07)
- 1.5 Presentation of a commendation to the Bellarmine College Preparatory track team upon winning the Central Coast Section in their division and to Coach Terry Ward upon his retirement from Bellarmine College Preparatory and his years of service to youth sports.
* (Rules Committee referral 6/20/07)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular Minutes of April 3, 2007
 - (b) Regular Minutes of April 10, 2007
 - (c) Regular Minutes of April 17, 2007
 - (d) Joint City Council/Santa Clara Valley Water District Study Session Minutes on Water Quality Issues of April 20, 2007
 - (e) Regular Minutes of April 24, 2007
 - (f) Council Study Session Minutes on Evergreen East Hills Vision Strategy of April 30, 2007
 - (g) Regular Minutes of May 1, 2007
 - (h) Council Study Session Minutes on the General Plan Update of May 3, 2007
 - (i) Regular Minutes of May 8, 2007
- (Item continued on the next page)*

2. CONSENT CALENDAR

2.1 Approval of Minutes. (Cont'd.)

Recommendation:

- (j) Regular Minutes of May 15, 2007
- (k) Regular Minutes of May 22, 2007
- (l) 2007-2008 Operating and Capital Budget; 2008-2012 Capital Improvement Program Study Session Minutes of May 7, 2007 through May 17, 2007
- * (m) Minutes of the San José Financing Authority of May 22, 2007
- * (n) Special Closed Session Minutes of May 29, 2007
- * (o) Special Closed Session Minutes of May 30, 2007
- * **RECOMMEND DEFERRAL OF ITEM 2.1 (g) - (o) TO 8/07/07 PER CITY CLERK**

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28067 - Amending Sections 5.06.335, 5.06.340, 5.06.350, 5.06.356, 5.06.390 and 5.06.440 of Chapter 5.06 of Title 5 of the San José Municipal Code to make changes to the contract authority of the City Manager and Director of Housing for development of affordable housing relating to predevelopment loans, Council approved loans and grants, repayment of project loans, outside funding, rehabilitation and improvements to city-owned properties, accrued interest and loan workouts, and consultant agreements.
- * (b) ORD. NO. 28072 - Establishing a limited pilot program to allow certain public eating establishments, drinking establishments and/or entertainment establishments located in an area generally bounded by Saint John Street, 4th Street, San Carlos Street, Market Street, San Fernando Street and San Pedro Street and that are legally operating until 2:00 a.m. the ability to remain in operation until 3:00 a.m. for a period of up to one hundred eighty days, all as more particularly described herein.
- * (c) ORD. NO. 28074 - Amending Title 12 of the San José Municipal Code to amend Chapters 12.10 and 12.12 to: increase the revolving door prohibition to two years; amend the definition of a lobbyist; create exemptions to the requirements of the lobbyist ordinance; prohibit or require disclosure of compensation contingent on the result of a proposed government action; require more specific disclosures in the lobbyist quarterly report; impose interest on the quarterly report late filing fee; add a new part to require officials to disclose contacts with lobbyists; and make other technical and clarifying changes.
- * (d) ORD. NO. 28075 - Rezoning certain real properties situated on the northwest corner of Capitol Avenue and Berryessa Road (13441 Berryessa Road and 1141 North Capitol Avenue) to the CG Commercial General Zoning District. C07-023

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation:

- * (e) [ORD. NO. 28076](#) - Rezoning certain real property situated at the northwest corner of The Alameda and Stockton Avenue (155 Stockton Avenue) to the A(PD) Planned Development Zoning District. PDC06-064
- * (f) [ORD. NO. 28077](#) - Rezoning certain real property situated on the west side of Stone Avenue at the intersection with Ciminio Street (1999 Stone Avenue) to the HI-Heavy Industrial Zoning District. C07-022
- * (g) [ORD. NO. 28078](#) - Rezoning certain real property situated at the south side of Piercy Road, approximately 900 feet east of the intersection of Piercy Road and Tennant Avenue (725 Piercy Road) to OS - Open Space Zoning District. C07-030
- * (h) [ORD. NO. 28079](#) - Amending Title 7 of the San José Municipal Code in its entirety, relating to animal care and control.
- * (j) [ORD. NO. 28080](#) - Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal code, which lists all infractions, to update the list of infraction.

2.3 [Approval to extend an agreement to conduct marketing communications and customer service consulting services at the Airport.](#)

Recommendation: Approval to exercise a third one-year option to extend the agreement with Barnestorming Advertising and Marketing Communications, to conduct marketing communications and customer service consulting services for the Norman Y. Mineta San José International Airport for the period July 1, 2007 through June 30, 2008 in an amount not to exceed \$185,000, within the original not-to-exceed contract amount of \$740,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-057. (Airport)

2.4 [Approval to establish fees, rental rates and charges at the Airport.](#)

Recommendation: Adoption of two resolutions:

- (a) Establishing fees, rental rates and charges for use of land, paved areas and structures at the Norman Y. Mineta San José International Airport, Airport parking rates, permit fees and charges for ground transportation providers, permit fees and charges for off-Airport rental car companies, fees and charges for technology services provided by the City to tenants at the Airport, and rates and fares for the operation of taxicabs at the Airport, and repealing Resolution Nos. 59614, 59857, 59988, 60081, 62781, 62790, 63461, 65335, 69512, 70866, 71251, 71336, 71647, 71746, 72250, 72687 and the new Airport Parking resolution.
- (b) Establishing rates and fares for the operation of taxicabs in all areas in the City of San José outside the Airport.

CEQA: Resolution Nos. 67380 and 71451, File No. PP 07-052. (Airport)

2. CONSENT CALENDAR

2.5 Approval of an agreement for deployment of law enforcement officers at the Airport

Recommendation: Adoption of a resolution authorizing the City Manager to apply for federal funding, and execute a Cooperative Agreement with the Transportation Security Administration to fund eligible costs for deployment of law enforcement officers at each airport passenger-screening location at the Norman Y. Mineta San José International Airport in the estimated amounts in excess of the City Manager's contract authority of approximately \$1,109,000 per year or approximately \$5,545,000 for the period October 1, 2007 to September 30, 2012. CEQA: Not a Project. (Airport)

2.6 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period April 16, 2007 through May 15, 2007*. (City Auditor)
(Rules Committee referral 6/13/07)

2.7 Request to Extend Term of Office – Elections Commission Recommendation.

Recommendation: That the City Council reappoint Elections Commission Vice Chair Fred de Funiak for a four year term that expires March 1, 2011. (City Clerk)
(Rules Committee referral 6/13/07)

2.8 Approval of Federal Legislative Representation Services in Washington D.C.

Recommendation:

- (a) Approval to exercise the last option of an agreement with Patton Boggs LLP, from July 1, 2007 to June 30, 2008, in the amount of \$127,500;
- (b) Approval of an amendment to the agreement with Patton Boggs LLP to add an additional option period of six months from July 1, 2008 to December 31, 2008, in the amount of \$63,750 for the purposes of completing the Congressional Appropriations cycle and continued federal lobbying during the 110th Session.
- (c) Approval for the City Manager's Office to draft and submit a Request for Qualifications (RFQ) for legislative representation services in Washington D.C. for services commencing January 1, 2009 through June 30, 2013.

CEQA: Not a Project. (City Manager's Office)

2. CONSENT CALENDAR

2.9 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
 - (1) Increase the estimate for Earned Revenue by \$50,000.
 - (2) Establish an appropriation to the General Services Department for the Demolition of Welch Park Playground project (PSM #488) in the amount of \$50,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Demolition of Welch Park Playground project.

CEQA: Not a Project. (City Manager's Office/General Services)

2.10 Approval to amend an agreement for Operation and Maintenance of the Mexican Heritage Plaza.

Recommendation:

- (a) Approval of the fifth amendment to the agreement between the City and the Mexican Heritage Corporation (MHC) for the Operation and Maintenance of the Mexican Heritage Plaza to require MHC to comply with additional financial reporting requirements for the remainder of the term of the agreement.
- (b) Adoption of a resolution authorizing the City Manager to advance a portion of the operation and maintenance support payments for Fiscal Year 2007-2008 to defray the cost of personnel assisting MHC with revenue generation and financial controls, and to suspend MHC's contributions to the reserve account for Fiscal Year 2007-2008.

CEQA: Not a Project. Council District 5. (City Manager's Office)

2.11 Approval to extend the term for current members of the Strong Neighborhoods Initiative Project Advisory Committee.

Recommendation: Adoption of a resolution extending the Strong Neighborhoods Initiative Project Advisory Committee to March 31, 2008 and extending the term of the current members. CEQA: Not a Project. (City Manager's Office)

2.12 Approval of actions related to artwork for the South San José Police Substation.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Mikyoung Kim to fabricate and install artwork for the South San José Police Substation in a total amount not to exceed \$340,000. CEQA: Mitigated Negative Declaration, File No. PP04-304. (Economic Development)

2. CONSENT CALENDAR

2.13 Approval of an agreement with the San José Sports Authority.

Recommendation: Approval of an agreement with the San José Sports Authority for sports marketing services for the period July 1, 2007 to June 30, 2011, in an amount not to exceed \$608,895 for FY 2007-2008. CEQA: Not a Project. (Economic Development)

2.14 Approval of actions to related to the Rock ‘n’ Roll Half Marathon.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with Elite Racing, Inc. for a Rock ‘n’ Roll Half Marathon within the City of San José to be held on Sunday, October 14, 2007, in an amount not to exceed \$180,500. CEQA: Exempt, File No. PP05-170. Council Districts 3 and 6. (Economic Development)

2.15 Approval of fiscal actions related to the 2007-2008 Arts Programs.

Recommendation: Approval of Arts Commission recommendation, subject to approval of the 2007-2008 Proposed Operating Budget, to:

- (a) Allocate 2007-2008 funds to the Office of Cultural Affairs arts and cultural programs, projects, grants, activities and support (“Arts Budget”), in a total amount not to exceed \$4,474,371; and
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute 2007-2008 grant agreements as follows:
 - (1) Festival, Parade and Celebration Grant Agreements with 25 organizations for 34 events, in a total amount not to exceed \$413,194; and
 - (2) Arts Grant Agreements with 51 organizations, in a total amount not to exceed \$2,432,206.

CEQA: Not a Project. (Economic Development)

2.16 Approval of fiscal actions related to the 2006 Super Urban Area Security Initiative grant.

Recommendation:

- (a) Adoption of the following amendments to the 2007-2008 Appropriation Ordinance and Funding Sources Resolution in the General Fund:
 - (1) Increase existing appropriation #3486 to Police in City-Wide Expenses for the 2006 SUASI grant in the amount of \$278,981 where \$12,314 will be used for one Police Lieutenant on the SUASI Management Team to support regional planning and \$266,667 will be used to establish a Terrorism Early Warning Group (TEWG) for the South Bay.
 - (2) Establish an appropriation to OES in City-Wide Expenses for the 2006 State Homeland Security Grant Program (SHSGP) in the amount of \$45,444 to support the San José *Prepared!* program.
 - (3) Increase the estimate for Revenue from the federal government by a total of \$324,425.

(Item continued on the next page)

2. CONSENT CALENDAR

2.16 Approval of fiscal actions related to the 2006 Super Urban Area Security Initiative grant. (Cont'd.)

Recommendation:

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute separate Memoranda of Understanding (MOU) to accept program funds from:
 - (1) City and County of San Francisco as the fiscal agent for the FY 2006 Super Urban Area Security Initiative (SUASI) grant.
 - (2) Santa Clara County as the fiscal agent for the FY 2006 State Homeland Security Grant Program (SHSGP).
 - (3) Authorize the City Manager to amend MOUs as necessary without return to Council, in the event that additional funds become available to the City of San José from either the 2006 SUASI grant or the 2006 SHSGP grant, or spending plans need to change.
- (c) Adoption of a resolution authorizing the City Manager to amend the existing Memorandum of Understanding (MOU) with Santa Clara County to provide an additional \$150,000 from the FY 2005 UASI grant to Santa Clara County to support project management and installation of the Tri-County Microwave (TriMac) project, to extend the deadline from March 1, 2007 to July 31, 2007, and to undertake any additional amendments without return to Council.

CEQA: Not a Project. (Emergency Services/City Manager's Office)

2.17 Approval to amend the agreement for Operations and Maintenance of the Converged Network and Telephony System.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute the third amendment to the agreement for the Operations & Maintenance of the Converged Network and Telephony System with Nortel Networks, Inc. to reduce the on-site representatives from three to one, resulting in a decrease of annual compensation by \$460,000 from \$1,260,000 to a not to exceed compensation of \$800,000 for the maintenance period beginning July 1, 2007 and ending June 30, 2008.
- (b) Negotiate and execute further amendments, as necessary, to reflect the City's needs for Nortel services, subject to appropriation of funds.

CEQA: Not a Project. (Finance)

2.18 Approval of an agreement for Elevator and Escalator Maintenance at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with Schindler Elevator Corporation for elevator and escalator maintenance services for the Norman Y. Mineta San José International Airport for one year at a cost of \$190,800 and approved supplemental funds of \$10,000 to pay for unscheduled work and authority to add or delete maintenance for elevators and escalators as required, for a total first year cost not to exceed \$200,800.

(Item continued on the next page)

2. CONSENT CALENDAR

2.18 Approval of an agreement for Elevator and Escalator Maintenance at the Airport. (Cont'd.)

Recommendation:

- (b) Execute four one-year options to renew the agreement subject to annual Consumer Price Index adjustments and annual appropriations.
- CEQA: Not a Project. (Finance)

2.19 Approval to award Open Purchase Orders.

Recommendation:

- (a) [Approval of award of open purchase orders for supplies, materials, equipment](#) and services for FY 2006-2007 #22 and authorization for the Director of Finance to execute the purchase orders.
- (b) [Approval of award of open purchase orders for supplies, materials, equipment](#) and services for FY 2007-2008 #1 and authorization for the Director of Finance to execute the purchase orders.

CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action.
(Finance)

2.20 [Report on bids and award of contract to purchase three Fire Engine Apparatus.](#)

Recommendation: Report on bids and award the purchase of three (3) 1500 GPM (gallon per minute) Fire Engine Apparatus to the lowest responsive bidder, Hi-Tech Emergency Vehicle Service, Inc., for a total not to exceed amount of \$1,489,496 including taxes and fees and authorize the Director of Finance to:

- (a) Execute the purchase order;
- (b) Amend the initial purchase order to purchase additional quantities of 1500 GPM Fire Engine Apparatus on an as-required basis at the same unit pricing subject to appropriation of funding; and
- (c) Execute purchase orders to acquire additional quantities for two additional years subject to manufacturer's price increase and appropriation of funding.

CEQA: Not a Project. (Finance)

2.21 [Approval of a donation to the Happy Hollow Corporation for Happy Hollow Park & Zoo.](#)

Recommendation: Adoption of a resolution authorizing the Director of Finance to donate surplus City Personal property located at Happy Hollow Park & Zoo with an estimated value of \$69,800 to the Happy Hollow Corporation, a non-profit corporation, for the purpose of resale to raise funds for the renovation of Happy Hollow Park & Zoo.
CEQA: Not a Project. (Finance/Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.22 Approval of actions related to a Transportation Fund for Clean Air Grant.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application and letter of commitment to the Bay Area Air Quality Management District in the amount of \$240,000 to support the efforts of General Services Fleet Management in greening the City's vehicle fleet, to accept the grant if awarded, and to execute a grant agreement accepting the grant and any collateral documents. CEQA: Not a Project. (General Services/ Environmental Services)

2.23 Approval to amend the Housing Services Partnership Contract.

* **Recommendation:** Adoption of a resolution:

- (a) Approving a 12-month extension to the Housing Services Partnership contract to provide homeless services on behalf of the City from July 1, 2007 through June 30, 2008;
- (b) Approving an increase in the Housing Services Partnership contract in an amount of \$1,284,943, from \$2,247,879 to \$3,532,822 to cover the cost of services provided through June 30, 2008;
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.

CEQA: Not a Project. (Housing)

2.24 Approval of the staff's response to the Civil Grand Jury's Report on the City's Supplemental Military Leave Policy.

Recommendation: Acceptance of staff's response to the Civil Grand Jury Report regarding the City's Supplemental Military Leave Policy. CEQA: Not a Project. (Human Resources)

2.25 Approval of Mayor Reed's Travel to Washington, D.C.

Recommendation: Approval of Mayor Reed's travel to Washington, D.C. on June 6-10, 2007 for Silicon Valley Leadership Group trip and scheduled meetings with Federal elected officials. Source of Funds: Mayor's Office. (Mayor)
(Rules Committee referral 6/6/07)

2.26 Approval of actions for engineering services for the Penitencia Creek Bridge and Stream Bank Repair Projects in Alum Rock Park.

Recommendation:

- (a) Approval of an exemption from the Qualifications-Based Consultant Selection Policy with regard to the selection of Winzler & Kelly Consulting Engineers to provide engineering services for Upper Penitencia Creek Bridge and Stream Bank Repair Projects in Alum Rock Park.

(Item continued on the next page)

2. CONSENT CALENDAR

2.26 Approval of actions for engineering services for the Penitencia Creek Bridge and Stream Bank Repair Projects in Alum Rock Park. (Cont'd.)

Recommendation:

- (b) Approval of an agreement with Winzler & Kelly Consulting Engineers for consultant services to design engineering solutions to repair Upper Penitencia Creek stream damage in Alum Rock Park from the date of execution to March 1, 2008, in an amount not to exceed \$300,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2.27 Approval of actions related to 2007-2008 Parks, Recreations and Neighborhood Services Agreements.

* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute all of the following agreements, subject to the appropriation of funds by City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Agreements and amendments to agreements, for Parks, Recreation and Neighborhood Services Department programs identified on the attachment, consistent with the amounts budgeted for these programs in the adopted budget for FY 2007-08; and
- (b) Agreements and amendments to agreements, accepting grant funds from the County of Santa Clara (County) for provision of mental health services and senior nutrition programs, in amounts consistent with budgeted amounts in the adopted budget for FY 2007-08; and
- (c) A three-month extension of the agreement with the County of Santa Clara of the Senior Nutrition Agreement into the first three months of FY 2007-08 and to accept grant funds for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2007-08, until a new agreement for FY 2007-08 is finalized with the County; and
- (d) A second amendment to the County of Santa Clara 2001-02 Mental Health agreement to accept additional funding of \$85,828 due to an underpayment to the City which was identified through County's audit-reconciliation of records; and
- (e) Designate the Director of Parks, Recreation and Neighborhood Services to negotiate and execute all contracts and amendments in FY 2007-08 related to the following grant programs for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2007-08, and further authorizing the Director to execute amendments to the following grant agreements during the FY 2007-08, subject to appropriation of funds by City Council: Bringing Everyone's Strengths Together (BEST), Healthy Neighborhood Venture Funds (HNVF) and San José After School Program (SJAS).

CEQA: Exempt, File No. PP02-370. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.28 [Approval to amend an agreement for consulting services for the Integrated Development Tracking System.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the consultant agreement with CSDC Systems, Incorporated for technical consulting services related to the AMANDA permit software and other Integrated Development Tracking System software, extending the term from July 1, 2007 to December 30, 2008, with no change to the original contract amount. CEQA: Not a Project. (Planning, Building and Code Enforcement).

2.29 [Approval to submit an application to the FOCUS Program to designate Special Strategy and Specific Plan Areas.](#)

Recommendation: Adoption of a resolution to submit an application to the FOCUS program to designate Special Strategy Areas and Specific Plan/Planned Community areas identified in the San José 2020 General Plan to be regional priority development areas. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

2.30 [Approval to amend the PDO/PIO Schedule of In-Lieu Fees Charged and Credits Issued.](#)

Recommendation: Adoption of a resolution to amend the resolution setting forth the Schedule of In-Lieu Fees Charged and Credits Issued Pursuant to Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance) of the San José Municipal Code (Fees and Credits Resolution), in order to modify the definition of “projects in process”. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

2.31 [Approval to amend the provisions for domestic partners’ benefits in the Police and Fire Departments Retirement Plan.](#)

Recommendation: Approval of an ordinance amending Section 18 of Ordinance No. 27712 to revise the transition provisions relating to domestic partners’ benefits in the Police and Fire Department Retirement Plan. CEQA: Not a Project. (Police and Fire Retirement Board)

2.32 [Approval of actions related to sale of a Water Line Easement.](#)

- * **Recommendation:** Adoption of a resolution authorizing the sale of a water line easement over a City-owned landfill along South 22nd Street to KB Homes South Bay in the amount of \$159,733 for the installation and extension of a water line to the existing Forestdale Avenue waterline; and authorizing the Director of Public Works to execute all documents necessary to complete transfer of the easement. CEQA: Mitigated Negative Declaration, File No. PP07-080. Council District 3. (Public Works)

2. CONSENT CALENDAR

2.33 Approval of an agreement for telecommunication services and equipment at the Airport.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of Public Works to negotiate and execute a Tariff Agreement with AT&T to provide telecommunications services and equipment for the Norman Y. Mineta San José International Airport in an amount not to exceed \$400,000.
- (b) Adoption of a resolution authorizing the Director of Finance to negotiate and execute an accompanying non-tariff agreement based on the State of California CalNet agreement for circuit relocation and reconnection in an amount not to exceed \$600,000.

CEQA: Resolution Nos. 67380 and 71451. (Public Works/Finance)

2.34 Approval of an agreement for the FEMA Levee Recertification and Floodplain Remapping.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to execute the “Letter of Agreement and Request for Provisionally Accredited Levee Designation and Agreement to Provide Adequate Compliance with the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10)” or “PAL Agreement” on behalf of the City for submission to FEMA for the Coyote Creek Levee extending from Trimble Road to the Water Pollution Control Plant. CEQA: Not a Project. (Public Works)

2.35 Approval to declare and auction seven “surplus” parcels of City-owned property.

* **Recommendation:** Adoption of a resolution:

- (a) Declaring the following seven parcels of City-owned property surplus to the needs of the City:
 - (1) 20399 Almaden Road APN No. 583-13-013
 - (2) 510 Park Avenue APN No. 259-47-081
 - (3) 460 Park Avenue APN No. 259-46-097
 - (4) Bird Avenue N. of Fuller APN No. 264-43-018
 - (5) 1360 State Street APN No. 015-12-091
 - (6) 1015 S. Bascom Avenue APN No. 282-11-014
 - (7) 1015 S. Bascom Avenue APN No. 282-11-015
 - (b) Authorizing the publication and auction of those seven City-owned properties.
- CEQA: Not a Project. Council Districts 3, 4, 6 and 10. (Public Works)

2. CONSENT CALENDAR

2.36 [Approval of actions related to the use of City-owned property at 110 E. Jackson Street.](#)

Recommendation:

- (a) Authorization for the termination of the existing agreement with Boy's and Girl's Club of Silicon Valley for their use of the City-owned property located at 110 E. Jackson Street.
- (b) Approval of a lease agreement with Yu-Ai-Kai Japanese American Community Senior Services for the use of City-owned property located at 110 E. Jackson Street for an initial term of 5 years with an automatic extension for an additional ten-year term.

CEQA: Exempt, File No. PP07-108. (Public Works)

2.37 [Approval of an agreement to quitclaim a portion of a parcel beneath Gardner Elementary School.](#)

- * **Recommendation:** Approval of an agreement between the City of San José and San José Unified School District to quitclaim a portion of parcel 264-18-047 beneath Gardner Elementary School in order to correct a historical title irregularity. CEQA: Not a Project. (Public Works)

2.38 [Approval of an agreement for the use of City-owned property at 3322 Noble Avenue.](#)

Recommendation: Approval of a lease agreement with Santa Clara County Office of Education for the use of City-owned property located at 3322 Noble Avenue for a term of less than 3 years. CEQA: Not a Project. Council District 4. (Public Works)

- * **DROP PER MAYOR AND COUNCIL DISTRICT 4**

2.39 [Approval to submit a grant application for a Pedestrian Corridor Project.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to execute and submit a grant application to the Metropolitan Transportation Commission in the amount of \$1,625,000 for the Hensley Historic District portion of the San José State University to Japantown Pedestrian Corridor project, to accept the grant if awarded, and to execute all documents necessary to effectuate the grant. CEQA: Negative Declaration, File Nos. PP02-05-115 and PP04-293. Council District 3. SNI: Thirteenth Street. (Transportation)

2.40 [Approval of the installation of Bicycle Lanes on various street segments.](#)

Recommendation: Adoption of a resolution authorizing the installation of bicycle lanes on the following street segments; and repealing Resolution No. 72813:

- (a) Aborn Road (White Road to east end).
- (b) Almaden Road (Almaden Expressway to McKean Road).

(Item continued on the next page)

2. CONSENT CALENDAR

2.40 Approval of the installation of Bicycle Lanes on various street segments. (Cont'd.)

Recommendation: Adoption of a resolution authorizing the installation of bicycle lanes on the following street segments; and repealing Resolution No. 72813:

- (c) Camden Avenue (Coleman Road to Meridian Avenue).
- (d) Chynoweth Avenue (west end to 100' east of Barron Park Drive).
- (e) Coleman Avenue (Taylor Street to Santa Teresa Street).
- (f) Hamilton Avenue (Bascom Avenue to Leigh Avenue).
- (g) Nieman Boulevard (Blanding Avenue to Yerba Buena Road).
- (h) Quimby Road (Ruby Avenue to Murillo Avenue).
- (i) Ruby Avenue (Quimby Road to Aborn Road).
- (j) Taylor Street (Walnut Street to First Street).

CEQA: Exempt, File No. PP07-119. (Transportation).

2.41 Approval of actions related to the VTA Bus Rapid Transit Line 522 Bus Signal Priority Upgrade Project.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant funding agreement with the Santa Clara Valley Transportation Authority (VTA) that will provide grant funds to the City for the procurement and installation of new traffic signal controllers for the VTA Bus Rapid Transit Line 522 Bus Signal Priority (BSP) Upgrade project in an amount not to exceed \$295,000.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for the ITS: VTA Rapid 522 Bus Signal Priority Upgrades in the amount of \$425,000.
 - (2) Increase the estimate for Earned Revenue by \$295,000.
 - (3) Decrease the ITS: Regional Signal Coordination appropriation by \$53,000.
 - (4) Decrease the Ending Fund Balance by \$77,000.

CEQA: Not a Project. Council Districts 3 and 6. SNI: Thirteenth Street/Five Wounds/Brookwood Terrace. (Transportation/City Manager's Office)

2.42 Report on bids and award of contract for the Street Resurfacing 2007 Backlog Reduction Projects, Phase 2.

Recommendation: Report on bids and award of contract for the Street Resurfacing 2007 Backlog Reduction Project – Phase 2 to the low bidder O'Grady Paving, Inc., in the amount of \$6,806,200, and approval of a 5% contingency in the amount of \$340,000.

CEQA: Exempt, File No. PP06-066. Council Districts 1, 2, 5, 6, 8, 9 and 10. (Transportation)

2. CONSENT CALENDAR

2.43 Approval to award the contract for the Surface Transportation Program Street Resurfacing/Rehab Project, Phase 2.

Recommendation: Adoption of a resolution authorizing the City Manager to award the Surface Transportation Program Street Resurfacing/Rehab Project – Round 2 to the low bidder, and approval of a five percent contingency in an amount not to exceed the funds appropriated for the project. CEQA: Exempt, File No. PP06-066. Council Districts 3, 6, 9 and 10. (Transportation/Public Works)

2.44 **Approval to amend an agreement for parking access and revenue control equipment.**

Supplemental

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute the third amendment to the agreement with Scheidt & Bachmann USA, Inc. to extend the term of the agreement through September 30, 2007, revise the statement of work, and reduce the amount of total compensation by \$15,000 from \$2,003,091 to \$1,988,091 for a total agreement amount of \$1,988,091. CEQA: Not a Project. Council District 3. (Finance)

* (Deferred from 6/19/07 – Item 2.11)

2.45 **Approval of actions related to Workers' Compensation Cost Containment Services.**

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute an agreement with Fair Isaac Corporation to provide workers' compensation cost containment services at a cost not to exceed \$750,000 during the period July 1, 2007 to June 30, 2008, with four one-year options to renew at a cost not to exceed \$750,000 per year, subject to annual appropriation of funds by the City Council; and,
- (b) Authorizing the City Manager to execute a continuation agreement to extend the current agreement with Fair Isaac Corporation for a period of up to three months, in the event negotiations are not finalized by June 30, 2007.

CEQA: Not a Project. (Human Resources)

* (Deferred from 6/19/07 – Item 2.20)

2.46 Approval of Councilmember Campos' Travel.

Recommendation: Approval of travel by Councilmember Campos to Sacramento, CA on September 5-8, 2007 to attend the League of California Cities 2007 Annual Conference Exposition. Source of Funds: Mayor/Council Travel Fund. (Campos)

* (Rules Committee referral 6/20/07)

2. CONSENT CALENDAR

2.47 [Request for a late arrival for Vice Mayor Cortese.](#)

Recommendation: Request for a late arrival for Vice Mayor Cortese to the Special Rules Committee/Sunshine Reform Task Force Discussion on June 27, 2007 due to Authorized City Business: Attendance at the Metropolitan Transportation Commission in Oakland, CA. (Cortese)

* (Rules Committee referral 6/20/07)

2.48 [Approval of Councilmember Nguyen's International Travel.](#)

Recommendation: Approval of travel by Councilmember Nguyen to India and Pakistan on November 30 – December 14, 2007 to serve as a delegate and speaker for the American Council of Young Political Leaders (ACYPL) International Exchange Program. Source of Funds: The American Council of Young Political Leaders (ACYPL). (Nguyen)

* (Rules Committee referral 6/20/07)

2.49 [Approval to adopt support positions related to the Federal Aviation Administration Reauthorization Bill.](#)

Recommendation: Council is requested to adopt support positions on the following staff recommendations on the Federal Aviation Administration Reauthorization Bill:

- (a) Raise the Passenger Facility Charge (PFC) ceiling from the current \$4.50 per enplaned passenger to \$7.50 per enplaned passenger.
- (b) Streamline the PFC review process and expand the eligibility criteria.
- (c) Increase funding for the Airport Improvement Program.
- (d) Establish and maintain a predictable and stable revenue streams for FAA operating and capital programs.
- (e) Treat airport bonds as tax-exempt public purpose bonds.

CEQA: Not a Project. (Airport)

* [Rules Committee Referral 6/13/07 – Item (c)(2)(a)]

2.50 **Acceptance of the following State Legislative Actions.**

Recommendation:

- (a) [Adoption of a resolution to oppose any change to the Proposition 42 formula](#) allocations or formula splits between the State Transportation Improvement program (STIP), cities, counties and transit. Cities support transit funding, but oppose efforts to change Proposition 42 that could jeopardize or destabilize local streets and road funds. CEQA: Not a Project. (City Manager's Office)

(Item continued on the next page)

2. CONSENT CALENDAR

2.50 Acceptance of the following State Legislative Actions. (Cont'd.)

Recommendation:

(b) (1) Authorizing a letter of support to Senator Padilla:

- (2) Directing staff to pursue amendments to SB 1021 that will strengthen implementation of the bill and allow for increased state funding and fund use; and
- (3) Authorizing Environmental Services staff to participate as technical resources during the development of future legislation on distribution of redemption payments for beverage containers.

CEQA: Not a Project. (Environmental Services)

* [Rules Committee Referral 6/20/07 – Item (c)(1)(a) and (b)]

2.51 New commission appointments.

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2007 approve the appointments to the following commissions: Airport, Advisory Commission on Rents, Arts, Disability Advisory, Early Care and Education, Housing and Community Development Advisory, Library, Parks and Recreation, and Senior Citizens Commission. (City Clerk)

* [Rules Committee referral 6/20/07 – Item (f)(1)]

2.52 Reappointment to the Bay Area Water Supply and Conservation Agency.

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2007 approve the reappointment of Mayor Chuck Reed to the Bay Area Water Supply and Conservation Agency to fill a four year term ending June 30, 2011. (Mayor)

* [Rules Committee referral 6/20/07 – Item (f)(2)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – June 6, 2007 Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to June 12, 2007 Final Agenda
 - (2) Review June 19, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – June 6, 2007 (Cont'd.)

Mayor Reed, Chair

- (c) Legislative Update
 - (1) State
 - (a) AB 1030 (Caballero) Libraries: Literacy and English Acquisition Services. (Library)
HEARD BY COUNCIL 6/12/07 – ITEM 3.7
 - (b) Propositions 1E and 84. (Environmental Services/City Manager)
HEARD BY COUNCIL 6/12/07 – ITEM 3.8
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Smoking Prohibition in City Parks. (Cortese/Nguyen)
 - (2) Request for Workload Assessment. (Cortese/Chirco)
 - (3) Authorization to Travel. (Mayor)
SEE ITEM 2.14 FOR COUNCIL ACTION TO BE TAKEN
 - (4) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)
Continued from May 23, 2007
Deferred to June 13, 2007 per the Mayor
- (h) Review of Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add item to the CEDC Workplan Agenda of June 25, 2007. (City Manager)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Meeting Schedule for Discussion of SRTF Phase 1 Report. (City Manager)
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)
- (j) Open Forum
- (k) Adjournment

3.2 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair

3. STRATEGIC SUPPORT SERVICES

3.3 Approval of actions related to the City's Investment Program.

Recommendation:

- (a) Approval of a phased approach relating to recommendations contained in the Macias Consulting Group's Evaluation of the City's Investment Program for additional resource allocations to the Department of Finance to implement active management initiatives in the City's investment program for the purpose of enhancing the City's investment yield.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the appropriation for the Personal Services to the Finance Department by \$105,000;
 - (2) Increase the appropriation for Non-Personal / Equipment to the Finance Department by \$168,000; and
 - (3) Increase the estimate for Other Revenue by \$273,000.
- (c) Authorization by the City Council to add 1.0 FTE Senior Analyst position in the Finance Department to serve in the capacity as an Investment Manager.

CEQA: Not a Project. (Finance)

(Deferred from 6/12/07 – Item 3.6)

3.4 Approval of actions related to compensation of unrepresented employees.

Recommendation: Adoption of a resolution to:

- (a) Amend the City of San José Pay Plan to provide general salary increases of 3% effective July 1, 2007 for unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees.
- (b) Amend the health insurance co-pays to align all Health Maintenance Organization (HMO) plans currently available to City employees effective January 1, 2008.
- (c) Increase the monthly vehicle allowance for Senior Staff under the City Manager's appointing authority from \$350 to \$600 effective July 1, 2007.
- (d) Amend the City of San José Pay Plan effective July 1, 2007 to change the salary ranges and titles for the classifications of:
 - (1) Secretary to the City Manager U (1162).
 - (2) Emergency Preparedness Director U (2341).
 - (3) Manager of Public Education and Community Information U (1671).(These changes will not result in automatic salary increases for employees in these classifications.)
- (e) Amend the City of San José Pay Plan to provide total compensation increases of 3% effective July 1, 2007 for Council Appointees. (Mayor)

(Rules Committee referral 6/13/07)

CEQA: Not a Project. (City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.5 Acceptance of the City's Administrative Project System Database Report.

Recommendation:

- (a) Acceptance of the City's Administrative Project System (CAPS) Database Report, which includes a Remove Projects Report, a Completed Projects Report and an Active Projects Report.
- (b) Acceptance of the list of recommended project removals from departmental workplans per the following March Budget directive: *Direction to the City Manager to make recommendations on prioritizing and possibly eliminating old Council directives and report to Council.*

CEQA: Not a Project. (City Manager's Office)

3.6 Public hearing and approval of the Director of Finance's Report on the Cost of Sidewalk Repairs.

Supplemental

Recommendation: Public Hearing and adoption of a resolution approving the report of the Director of Finance on the Cost of Sidewalk Repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

3.7 Approval of actions related to an exception to the Prevailing Wage Rate Policy for Sidewalk Repairs.

Memo from Vice Mayor Cortese, Councilmembers Campos, Williams and Chu

Recommendation:

- (a) Adoption of a resolution establishing an exception to the prevailing wage rate policy for sidewalk repairs performed by the City on behalf of property owners for which the City is reimbursed by property owners, until June 30, 2008.
- (b) Authorize the Director of Finance to execute Purchase Orders with Willson Concrete, Duran Hogan Construction, Inc., and Valley Concrete & Redwood for a total not-to-exceed amount of \$500,000, for the period July 1, 2007 through June 30, 2008 with non-prevailing wage rates.

CEQA: Exempt, File No. PP03-04-139. (Finance/Transportation)

3.8 Appointment of Acting City Manager for July 8 – 22, 2007.

Memo from Mayor Reed

* **Recommendation:**

- (a) Appointment of Chief Deputy City Manager Kay Winer as Acting City Manager beginning July 8 through July 13, 2007.
- (b) Appointment of Deputy City Manager Ed Shikada as Acting City Manager beginning July 14 through July 22, 2007.

(Mayor)

(Rules Committee referral 6/13/07)

3. STRATEGIC SUPPORT SERVICES

3.9 Report of the Rules and Open Government Committee – [May 23, 2007](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to May 29, 2007 Agenda
NONE – MEETING CANCELED
 - (2) Review June 5, 2007 Draft Agenda
 - (a) Add New Items to final agenda
 - (1) City Manager Compensation. (Mayor)
HEARD BY COUNCIL 6/5/07 – ITEM 3.10
 - (2) Elections Commission Recommendation to Change Special Eligibility Requirement that One Member of the Elections Commission Be an Attorney at Law. (City Clerk)
HEARD BY COUNCIL 6/5/07 – ITEM 3.6
 - (3) Vietnamese Business District Designation. (Nguyen/Mayor)
HEARD BY COUNCIL 6/5/07 – ITEM 9.1
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) AB 1252 (Caballero) – Housing Related Parks Program. (Housing)
 - (b) AB 1460 (Saldana) – Multifamily Housing Program. (Housing)
 - (c) SB 46 (Perata) – Proposition 1C Regional Planning, Housing, and Incentive Account. (Housing)
 - (d) SB 586 (Dutton) – Proposition 1C Innovation Fund. (Housing)
HEARD BY COUNCIL 6/5/07 – ITEM 3.8
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)
Continued from May 16, 2007
 - (2) Approve the revised Commission/Liaison Code of Conduct Policy. (City Attorney)
HEARD BY COUNCIL 6/19/07 – ITEM 2.5
 - (3) Response to the Macias Consulting Group’s Report on the Finance Department’s Investment Unit and the Finance Department’s Response. (City Auditor)
 - (4) Discussion of Cost Neutral Opportunities for a Public Safety Memorial at New City Hall with Direction to Implement Memorial and Process for Accepting Private Sponsorship. (Constant/Pyle)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.9 Report of the Rules and Open Government Committee – May 23, 2007 (Cont'd.) Mayor Reed, Chair

- (h) Review of Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)
- HEARD BY COUNCIL 6/19/07 – ITEM 2.6 (a) – (c)**

- (j) Open Forum
- (k) Adjournment

* (Deferred from 6/12/07 – Item 3.1 and 6/19/07 – Item 3.1)

3.10 Report of the Rules and Open Government Committee – [May 30, 2007](#) Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to June 5, 2007 Agenda
 - (2) Review June 12, 2007 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (a) SB 966 (Simitian and Kuehl) – Pharmaceutical Drug Disposal. (Environmental Services)
- HEARD BY COUNCIL 6/5/07 – ITEM 3.12**
- (2) Federal
 - (d) Meeting Schedules
 - (1) Council Meeting Schedule August 2007 – January 2008. (City Manager)
 - (2) (1) Review two proposed meeting formats as presented by the Independent Police Auditor and the Administration; (2) Approve one of the proposed formats, or a hybrid of the two proposals, for a Special Council Meeting scheduled on June 21, 2007, beginning at 6:00 p.m., in the City Council Chambers for consideration of various police related reports. (City Manager/Independent Police Auditor)
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (1) Amendment to the Residency Requirement of the News Media Member of the Sunshine Reform Task Force and Appointment of Bert Robinson to the Sunshine Task Force. (Mayor)
- HEARD BY COUNCIL 6/5/07 – ITEM 3.13**

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.10 Report of the Rules and Open Government Committee – May 30, 2007 (Cont'd.) Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve Travel Request. (Mayor)
HEARD BY COUNCIL 6/19/07 – ITEM 2.24
 - (2) Historic Freedom Shrine Display. (Mayor)
 - (3) Approve the use of the District 4 Special Event Fund and to acknowledge the receipt of and use of various donations in support of the Community Resource Fair to be held on Sunday, June 3, 2007 in the City Hall Civic Plaza and Rotunda. (Mayor/City Clerk)
 - (h) Review of Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Phase I Report and Open Government Recommendations. (City Manager)
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)
HEARD BY COUNCIL 6/19/07 – ITEM 2.6 (d) – (f)
 - (j) Open Forum
 - (k) Adjournment
- * (Deferred from 6/19/07 – Item 3.2)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval of various actions related to the Coyote Valley Specific Plan.

Recommendation: Approval to take the following actions to continue funding for the preparation of the Coyote Valley Specific Plan, and its related environmental documents and regulatory permits:

- (a) Approval of the third amendment to the Amended and Restated Funding and Reimbursement Agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan, related environmental documents, and regulatory permits to extend the term from June 30, 2007 to December 31, 2007 including a provision for the Director of the Planning, Building and Code Enforcement to extend the term in writing by one additional six (6) month increment; and increase the amount of funding to cover staff and consultant costs through December 31, 2007 by approximately \$1.25 million for a total of \$17.20 million.
- (b) Adoption of a resolution authorizing the Director of Planning, Building and Code Enforcement to negotiate and execute minor amendments to the agreements between the City and Dahlin Group, KenKay Associates, Economic and Planning Systems, Apex Strategies, David J. Powers and Associates, Wetland Research Associates, Schaaf and Wheeler, Hexagon Transportation Consultants, ENGEO, Basin Research Associates and Lowney Associates to extend the term of each of the agreements from June 30, 2007 to December 31, 2007 including a provision for the Director to extend the terms in writing by one additional six (6) month increment.
- (c) Adoption of a resolution authorizing the Director of Planning, Building and Code Enforcement to negotiate and execute a Consultant Agreement between the City and HMM Engineers for \$50,000 for consultant services for the CVSP for the term of December 31, 2007, including a provision for the Director of Planning, Building and Code Enforcement to extend the term in writing by one additional six (6) month increment.
- (d) Authorize the Director of Planning, Building and Code enforcement to send out a Request for Qualifications for the development of form-based zoning to implement the CVSP for an amount not to exceed \$85,648.
- (e) Adoption of a resolution authorizing the City Attorney to negotiate and execute a Legal Services Agreement between the City and Cox, Castle and Nicholson LLP for legal services on the Coyote Valley Specific Plan for \$270,000 for the term of January 1, 2007 through December 31, 2007, including a provision for the City Attorney to extend the term in writing by one additional six (6) month increment.
- (f) Adoption of the following amendments to the 2007-2008 annual Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund as follows:
 - (1) Increase the City-Wide appropriation for the Coyote Valley Specific Plan by \$1,250,000; and
 - (2) Increase earned revenue from Other Revenue by \$1,250,000.

CEQA: Exempt, File No. PP03-06-211. Council District 2. (Planning, Building and Code Enforcement/City Manager's Office)

*

TO BE HEARD IMMEDIATELY FOLLOWING ITEM 4.3

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [Approval to initiate the Envision San José 2040 General Plan Update.](#)

[Memo from Mayor Reed](#)

[Memo from Councilmember Williams](#)

Recommendation: Approval to initiate the Envision San José 2040 General Plan Update by approving the proposed Guiding Principles, Work Program, and Community Participation Program. CEQA: Not a Project. (Planning, Building and Code Enforcement)

4.4 [Approval of refund of construction taxes to certain development partners](#)

Recommendation: Approval of refunds and fee overpayments to Block 3 Development Partners (\$1,030,212.51) and Wilcox LLC (\$51,050.57) in a total amount of \$1,081,263.08 for construction taxes erroneously collected pursuant to certain sections the San José Municipal Code. CEQA: Not a Project. (Planning, Building and Code Enforcement)

4.5 [Approval of actions related to the Evergreen Development Policy.](#)

[Memo from Vice Mayor Cortese and Councilmember Liccardo](#)

[Memo from Mayor Reed](#)

Recommendation: Acceptance of the proposed work plan to update the Evergreen Development Policy consistent with the Council's actions on May 15, 2007, and provide input on phasing/trigger options. CEQA: Not a Project. Council Districts 5, 7 and 8. SNI: West Evergreen/K.O.N.A/East Valley/680. (Planning, Building and Code Enforcement)

TO BE HEARD NO EARLIER THAN 4:30 P.M.

* (Deferred from 6/19/07 – Item 4.8)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [June 14, 2007](#) Councilmember Chirco, Chair

- (a) Review of Performance Measure Reporting. (CMO)
- (b) Evaluation of Second Unit Pilot Program. (PBCE/Housing)
- (c) Report of Parks and Affordable Housing. (PRNS/Housing/CMO)
- (d) Report on Proposition 1C. (Housing/CMO)
- (e) Strong Neighborhoods Monthly Update. (CMO)
 - (1) Update on Pilot Projects
- (f) Animal Care and Services Bi-annual Update. (PRNS)
- (g) Report on San José Bringing Everyone's Strength Together (BEST) Resource Allocation Strategy for FY 2007-08. (PRNS)
- (h) Schools/City Collaborative Monthly Update. (CMO)
 - (1) Proposed Structure and Priorities
- (i) Update on Council Directives

- (j) Oral Petitions
- (k) Adjournment

5. NEIGHBORHOOD SERVICES

5.2 [Approval of an agreement for the Safety Improvement Project at Los Lagos Golf Course.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Los Lagos Golf Course, LLC, for the construction of the Safety Improvement Project at Los Lagos Golf Course in the amount not to exceed \$1,958,125. CEQA: Resolution No. 69623, File No. PP06-102. Council District 7. (Parks, Recreation and Neighborhood Services)

5.3 [Approval to name a park.](#)

Recommendation: As recommended by the Parks and Recreation Commission, name a new park located on Communications Hill at the intersection of Senhorina Street and Adeline Avenue as “Vieira Park”. (City Clerk)

* (Rules Committee referral 6/20/07)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair

6.2 [Report on bids and award of contract to purchase Passenger Boarding Bridges for the Airport.](#)

Recommendation: Report on bids and award for the purchase of twenty-three (23) Passenger Boarding Bridges to the low bidder, FMC Technologies (Ogden, UT), for a total amount not to exceed \$11,057,724 including tax and authorizing the Director of Finance to:

- (a) Execute the purchase order for the initial purchase of 23 bridges;
- (b) Amend the initial purchase order or execute additional purchase orders to purchase additional quantities of Passenger Boarding Bridges and/or Passenger Boarding Bridge components on an as-required basis subject to appropriation of funding.

CEQA: Not a Project. (Finance)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Acceptance of Status Report on the Recycle Plus Transition.](#)

Recommendation: Acceptance of Status Report on the Recycle Plus Transition.
CEQA: Not a Project. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Approval of actions related to the Water Pollution Control Plant Reliability Improvements Project.](#)

[Supplemental 1](#)

[Supplemental 2](#)

Recommendation: Approval of a contingency budget increase for the project entitled, “San José/Santa Clara Water Pollution Control Plant Reliability Improvements Project,” by \$2,000,000 from \$6,952,200, to a total contingency budget of \$8,952,200, with no change to the term of contract with Kiewit Pacific Company. CEQA: Exempt, File Nos. PP03-05-183 and PP04-07-217. (Environmental Services)

7.3 [ADMINISTRATIVE HEARING and approval of actions related to the Household Hazardous Waste Collection Facility.](#)

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Recommendation:

- (a) [ADMINISTRATIVE HEARING on an appeal of the Planning Commission’s](#) certification of a Final Environmental Impact Report prepared for the San José Household Hazardous Waste Collection Facility involving relocation of the household hazardous waste drop off facility previously located at the City of San José’s Central Service Yard (1661 Senter Road). Proposed on-site activities consist of collection of household hazardous wastes such as paint, solvents, and motor oil from members of the public approximately eight days per month and temporary storage of the collected materials in prefabricated storage containers. Proposed site changes include new and relocated storage containers and creation of a driveway. The project site is a currently vacant, 1.8-acre portion of a 4.2-acre City-owned parcel located at the corner of Las Plumas Avenue and Nipper Avenue (1608 Las Plumas Avenue). Director of Planning, Building and Code Enforcement and Planning Commission (by a 5-2-0 vote, Campos and Platten opposed) recommend certification of the FEIR.
- (b) Adoption of the following amendments to the 2007-2008 Annual Appropriation Ordinance in the Integrated Waste Management Fund in order to relocate the San José Household Hazardous Waste Collection Facility to 1608 Las Plumas Avenue:
 - (1) Increase the Environmental Services Non-Personal/Equipment appropriation by \$1,350,000.00.
 - (2) Decrease the Unrestricted Fund Balance by \$1,350,000.00.

CEQA: File No. PP06-100; Resolution to be Adopted. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Environmental Services/City Manager’s Office)

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 Approval of San José Municipal Water System Potable Water Rates and Charges.

[Supplemental
Memo from Mayor Reed](#)

Recommendation:

- (a) Adoption of a resolution increasing the San José Municipal Water System (SJMWS) potable water rates and charges by 7.3% effective July 1, 2007.
CEQA: Not a Project. Council Districts 2, 4, 7 and 8. (Environmental Services)
- (b) Direction to staff to include options for elimination or multi-year phase out of the Enterprise In-Lieu and Rate of Return transfers from the Water Utility Fund to the General Fund, during the 2008-2009 budget process.

CEQA: Not a Project. Council Districts 2, 4, 7 and 8. (City Manager's Office)

TO BE HEARD NO EARLIER THAN 4:30 P.M.

* (Deferred from 6/19/07 – Item 7.6)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 "Approval of an Amended and Restated Cooperation Agreement . . .", 8.2 "Approval of an Exclusive Negotiations Agreement for development . . .", and 8.3 "City Council and Redevelopment Agency Board actions related to amending or termination . . ." on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2 AND 9.3 IN A JOINT SESSION

9.1 [Approval of actions related to investments in the Local Agency Investment Fund.](#)

* **Recommendation:**

- (a) Adoption of a resolution of the City Council authorizing the Director of Finance and other authorized officers of the City, who routinely conduct investment management activity on behalf of the city, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the City.
- (b) Adoption of a resolution by the Redevelopment Agency Board authorizing the Director of Finance and other authorized officers of the City, who routinely conduct investment management activity on behalf of the Agency, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the Redevelopment Agency.

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

TO BE HEARD NO EARLIER THAN 3:30 P.M.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Approval of Cooperation Agreements between the City and the Redevelopment Agency.

- * **Recommendation:** City Council and Redevelopment Agency approval of the Fiscal Year 2007-2008 Cooperation Agreements between the City of San José and the Redevelopment Agency for 1) Capital Improvement Projects in the Merged Redevelopment Area; and 2) the operating expenses. CEQA: Not a Project. (City Manager's Office/ Redevelopment Agency)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

9.3 Approval of various actions relating to the FY 2006-2007 appropriations resolutions, amendments to the FY 2006-2007 Adopted Budgets and Graffiti Removal Program Findings.

- * **Recommendation:** Adoption of Redevelopment Agency Board resolutions:
- (a) Approving amendments to the FY 2006-07 Adopted Budget to reflect various modifications to the FY 2006-07 revenue resolution, Operating and Capital Budgets, and amending the FY 2006-07 Agency appropriation resolution; and,
 - (b) Approving amendments to the FY 2007-08 Proposed Budget; and,
 - (c) Adopting the FY 2007-08 Revenue and Appropriations Resolutions for the Operating and Capital Budgets, and authorizing the Executive Director to rebudget FY 2006-07 remaining project appropriation balances for on-going projects/programs previously approved by the Agency Board; and,
 - (d) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.
- CEQA: Not a Project. (Redevelopment Agency)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

● Notice of City Engineer's Pending Decision on Final Maps

- * In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9531	Southwest corner of Rue Mirassou and Mosher Drive	8	Pinn Brothers Construction, Inc.	56 Lots / 51 Units	Single Family Detached	Approve
9861	East side of Cross Way, 150 feet north of Willow Glen Way	6	Shwe Groups LLC	1 Lot / 10 Units	Multi-Family Attached	Approve
9913	Southwest corner of Flanigan Drive and Fontaine Road	7	H & L Investments, LLC	1 Lot / 16 Units	Convert Apartments to Condos	Approve

- Notice of City Engineer's Pending Decision on Final Maps (Cont'd.)

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9926	North side of Rock Avenue, 450 feet west of Oakland Road	4	DeMattei Development Inc.	1 Lot / 18 Units	Single Family Attached

- Notice of City Engineer's Award of Construction Projects

- Open Forum (To be heard no earlier than 3:30 p.m.)

- Continue RDA Board Meeting (immediately following Open Forum)

- Adjournment

* This meeting will be adjourned in memory of:

- Bernice Gourd, a very active and compassionate resident of the West Evergreen Strong Neighborhoods Initiative area who was relentless in advocating for safe neighborhoods for our youth. (Cortese)
- The nine fallen firefighters in South Carolina who sacrificed their lives for the safety of others. (Mayor)

**CITY OF SAN JOSÉ PARKING AUTHORITY
AGENDA**

1:30 P.M. TUESDAY, JUNE 26, 2007 CHAMBERS

1 CALL TO ORDER AND ROLL CALL

1:30 p.m. - Regular Session, Council Chambers, City Hall

2 APPROVAL OF MINUTES

2.1 [Minutes of June 6, 2006](#)

3 OLD BUSINESS

4 NEW BUSINESS

5 ADJOURNMENT
